Welcome from the IPinCH Director

What an extraordinary opportunity IPinCH is—the notion of scholars, students, community practicioners, representing different disciplines, cultures, and countries, working together to identify, understand, and offer assistance on the intellectual property issues that have arisen in the realm of cultural heritage. And what an extraordinary team we have—archaeologists, lawyers, IP specialists, ethicists, philosophers and many others—some based in universities, others in indigenous communities, representing a wide array of perspectives that range from open access to knowledge to culture-based rights, and everything in between. And partnering organizations—from international NGOs to Aboriginal communities to government agencies and book publishers—who are facing IP challenges daily. Years in development, IPinCH is now a reality that is already helping to make a difference.

I am very pleased to introduce our newest project initiative, the *IPinCH Newsletter*, which is designed to disseminate news to the team and partners, and to the public. Available both in print and electronically, the newsletter enables us to share IPinCH developments with those readers who have limited or no internet access, as well as a way to entice others to the fuller resources on our website.

The beginnings of the project are still fresh in mind. Developing the basic ideas that led to IPinCH was the product of an extraordinarily fruitful collaboration with Kelly Bannister and Julie Hollowell. The challenges we faced in the four years of developing the MCRI project were enormous, and the learning curve was substantial. Our success was not just the result of perseverance, but very much the result of the ideas and support we received from our team members and partners, plus our respective institutions. Personally I am thrilled by the opportunity of working with this world-class team whose work has so long been at the fore-

IPinCH Project Director George Nicholas.

front of a new paradigm of research ethics and community-based initiatives. IPinCH also provides us with the opportunity to promote greater relevance, responsibility, and representativeness in the work we do in cultural heritage.

We have accomplished a great deal in our first year, and I am pleased to report that we have completed virtually all of the Year 1 Milestones we had set out, with many new initiatives underway. I am indebted to the members of the Steering Committee for the time and energy they have devoted from their already over-filled schedules, and to project manager Kelly Fox for her many contributions; I thank the team members and partners for their suggestions and encouragement.

With the first year behind us, we can soon expect some very interesting IPinCH developments.

What's Inside

lessLIE (Leslie Sam): IPinCH Logo Creator

Coast Salish artist, lessLIE (Leslie Robert Sam) is generously granting IPinCH the use of his stunning visual image, *Perpetuation,* as the official IPinCH logo. lessLIE is from Duncan, B.C., on Vancouver Island. His decolonized artist's name "lessLIE" is both an expression of his artistic inspiration and part of his political activism. He quotes Picasso as saying "art is a lie that tells the truth." In the spirit of Trickster traditions, lessLIE is living this perspective of Picasso.

Inspired by his cousin Joe Wilson and other Coast Salish artists including Susan Point, lessLIE has studied Coast Salish art since 1995. lessLIE has a B.A. in First Nations Studies from Vancouver Island University and is currently working on an M.A. in Interdisciplinary Studies at the University of Victoria, with a focus on Coast Salish art. As a component of his graduate degree, he has worked at Thunderbird Park Carving Studio. His work is featured at the Alcheringa Gallery in Victoria. Intellectual property and cultural heritage are integral to lessLIE's artistic, activist and academic interests. We warmly welcome lessLIE as an associate member of the IPinCH team, and thank him for sharing his image, and his "ARTiculation" on *Perpetuation.*

Artist's statement about *Perpetuation*

In the spirit of spindle whorls, this circular Coast Salish design depicts two spawning salmon in a red, perpetual circle. It is significant that I've begun this ARTiculation with the words, "In the spirit of spindle whorls," which I've begun many previous ARTiculations with. The reason for this is that the designs were created in the spirit of spindle whorls, and are not really spindle whorl designs, per se. As a contemporary Coast Salish artist concerned with perpetuating my artistic legacy with integrity, I believe it is vital to reflect my culture as it is today, not as it romantically "once was." This is partially out of the conviction that cultures change, and the art forms within those cultures need to reflect that cultural reality. As a contemporary Coast Salish artist, and with a bit of an iconoclastic spirit, I believe that spindle whorls are mostly obsolete, and reflect my culture as it romantically "once was." Since cultures change through acculturation and colonialism, I believe I need to reflect my culture as it is today. Hence some of the contemporary graphic influences in this work.

Photo of lessLIE by Sarah Stein, courtesy of the Alcheringa Gallery

IPinCH Associates:

Please welcome our first postdoctoral and graduate student associates

Natasha Lyons (Vancouver, Canada) is our first postdoctoral associate, and co-developer of a community-based initiative with the Inuvialuit (see p. 5). Natasha is a SSHRC Postdoctoral Fellowship-holder based at SFU and new mother of Hallie (age 4 months).

Marina La Salle (Vancouver, Canada) is a doctoral student at U. British Columbia collaborating with the Musqueam Indian Band to explore links between land, heritage and culture.

Daniel Sherman (College Park, MD, USA) is a masters student at U. Maryland examining the active and charged relationships between IP systems and Indigenous peoples.

Solen Roth (Vancouver, Canada) is a doctoral student at U. British Columbia exploring how the politics of access to and control over resources shape the market of Northwest Coast gift products.

Intellectual Property Issues in Cultural Heritage Project

Profile: IPinCH Team Member Sonya Atalay

Sonya Atalay is an archaeologist doing fieldwork in the Great Lakes region of the United States and in Turkey. Her research relates to Indigenous archaeology— principally the use of community-based participatory research (CBPR) designs, Indigenous forms of heritage management and stewardship, archaeological ethics, NAGPRA (particularly dispositions of so-called "culturally unidentifiable human remains"), and intellectual property issues in archaeology. She views Indigenous archaeology as being solidly grounded within a community-based research methodology.

"My work in this area involves participatory research with Anishinabe communities," Sonya says. "I strongly feel that the methods and theory of Indigenous archaeology can be applied globally, by any archaeologist. The CBPR project I've developed working with rural village community members near the site of Çatalhöyük, Turkey demonstrates the utility of this approach outside a Native American or Indigenous community context."

When asked about her choice to work in Turkey, she explains, "I've always had an intellectual interest in the Neolithic time period (early agriculture). To work in a world famous site that also has some of the world's earliest pottery couldn't be better for me as a ceramics specialist." Sonya also likes to dispel a common assumption that Native Americans only do work in North America with Native Americans.

Sonya is working on a unique book project—a comparative analysis of CBPR in archaeology based on the duality of her role as both "insider" (as an Anishinabe-Ojibwe person working with Anishinabe communities) and "outsider" (working with rural villagers in Turkey) in conducting her research. She notes that CBPR with Turkish communities has different challenges than the Native American context. In Turkey, trying to get people to ask questions is a challenge—they say, "I don't know enough to ask a question." Or, "we are not the experts, why are you asking us?" By comparison, the Native American communities Sonya works with have clear questions and research projects they are passionate about. She applies CBPR methods in different ways with the different communities, noting the most applicable context in Turkey is heritage management (e.g., cultural parks, tourism applications) to give local people a say and increase their involvement.

What aspect of IPinCH is Sonya most excited about? "So many incredible people! I'm looking forward to getting to know them and networking." Sonya is especially excited about the case studies. "I'm very interested in how people will be approaching their work in terms of applying principles of CBPR and what the methodologies will look like. I have a strong interest in methodology and process. I'm interested to see how everything plays out—especially how will communities use what we learn?"

Sonya is also keen about participating in the IPinCH Working Group on Ethics. Based on her involvement in advocating for revisions to the principles of ethics of the Society for American Archaeology (Indigenous people are mentioned only once as part of "interested publics"), Sonya sees the IPinCH project as nicely poised to raise awareness and foster discussion on the relationship between intellectual property and applied ethics.

She notes that at the start of her graduate studies, she would never have predicted being part of a project like IPinCH, collaborating with Native communities on archaeology research. "Times are changing, especially in archaeology and relationships with Native people. The case studies will bring up examples of how and why ethics principles are or aren't working and why they need to be revisited."

Sonya notes that it is "interesting and important work ahead," given the 118,000 sets of ancestral remains still in museums. Most of these are considered "culturally unidentifiable"—some because they do not have enough associated information. Others have not been repatriated because they are the remains of tribes without federal recognition. "If we don't know which community the remains are related to, how scientifically useful are they? Repatriation is a human rights issue; certainly complex, but for me the 'right of possession' of ancestral remains is clearly with Native communities." Sonya foresees a challenging road ahead in efforts to bring ancestors back to their homes.

As a new NAGPRA Review Committee member, Assistant Professor of Anthropology at Indiana University, a committed community-based researcher, and mother of two young children (baby Myles was welcomed to this world on January 5), Sonya is pulled in many directions. She reflects on questions that many of us face—"Am I doing enough, yet how do I make sure I do not spread myself too thin?" She takes guidance from regularly attending traditional ceremonies, and there is clearly strength in her conviction. "Where my heart lies is with communities and in doing work for the Ancestors and generations yet to come."

Project Website: Cyberspace for IP issues

The website for the IPinCH project has been expanding and evolving over our first year to meet our project needs. Its key role is to promote communication and information sharing among the research team, collaborators, community partners, and interested individuals and organizations.

Features found in the main area of the site include information on "who's who" and "what's what", including details of the project, research team and partnering organizations, advisors, students, post docs and associates. Descriptions of our eight **Working Groups** and the first four **Community-based Iniatives** funded as case study research have recently been posted.

The **Knowledge Base** is an exciting portal within the website still under development. This searchable repository will be an archive for articles, resources, and project-related findings and data, accessible to scholars and the interested public.

The **Resources** section offers recommended reading and a list of potential funding sources. Current events and actvities are located under **News and Events**. In the **Project Papers** section, you can post or view team members' and partners' presentations and publications. Our new **Media Room** page is where project press releases and related background information is found.

Co-investigators and collaborators are able to log into the site to access additional functions and information, such as discussion fora and a calendar of events. Working Group Co-chairs are able to create sub-groups for specific tasks. Soon login access will be expanded to partner representatives and others. For **login information**, please contact Project Manager Kelly Fox at ipinchpm@sfu.ca.

Our website was created by **Cheryl Takahashi** (Takahashi Design, a small firm in Courtenay, BC) using an open source framework called **Drupal**. Drupal is the evolving product of a large, international community of software users and developers who constantly write new "modules" to improve the system.

Cheryl has implemented a Drupal module called **Organic Groups**, which will enable information to be shared more easily on the site. Clear instructions on how to do this are posted on the website and support will always be available through Project Manager Kelly Fox at ipinchpm@sfu.ca. We will soon move to a new server to allow us to update to a newer version of Drupal (6.x) for more functionality and user-friendliness.

We welcome all feedback for improving the website. The site will further evolve with the project as more people add to and interact with it. We hope that it will be a useful tool for keeping us connected with one another and and updated on developments in intellectual property and cultural heritage.

Visit www.sfu.ca/~ipinch

Cheryl Takahashi and daughter Tori (Photo by Paul Wenger - ArtformPhotographics.com).

Project Advisors: Providing guidance

Sage advice on IPinCH activities and plans is provided by our IPinCH Advisors:

Michael Brown (Williamstown, MA, USA) is the Lambert Professor of Anthropology and Latin American Studies at Williams College, and Director of the Oakley Center for the Humanities and Social Sciences.

Larry Chartrand (Ottawa, ON, Canada) is a Professor of Law at U. Ottawa and of Métis descent.

Robert Layton (Durham, UK) is a Professor in the Anthropology Department at U. Durham.

Peter Levesque (Ottawa, ON, Canada) is Principal Director of the networked company Knowledge Mobilization Works.

Robert Paterson (Vancouver, BC, Canada) is Professor of Law at U. British Columbia and member of the bars of British Columbia and New Zealand.

K. Anne Pyburn (Bloomington, IN, USA) is Professor of Anthropology and Professor of Gender Studies at Indiana U.

David J. Stephenson, Jr. (Colorado, USA) is an applied sociocultural anthropologist, and a lawyer at Rocky Mountain Thunder Law.

Dame Marilyn Strathern (Cambridge, UK) is William Wyse Professor of Social Anthropology at U. Cambridge.

Richard Wilk (Bloomington, IN, USA) is Professor of Anthropology and Gender Studies at Indiana U. where he directs the Food Studies Program.

Richard Wilk

Our First Community-based Initiatives

Inuvialuit community collaborator Mervin Joe with Inuvialuit artifacts.

Inuvialuit of the Northwest Territories

For close to 150 years, the Inuvialuit of the Northwest Territories have had little contact with hundreds of artifacts made and used by their ancestors. The 550 items, bought as a side-project by Hudson's Bay Company trader Roderick MacFarlane, became one of the founding collections of the Smithsonian Institution in Washington, D.C. Working with the community to reconnect elders and youth with those cultural items are Simon Fraser University researcher Dr. Natasha Lyons and partners, including the Inuvialuit Cultural Resource Centre, Parks Canada, the Smithsonian Institution's Arctic Studies Center, and the Prince of Wales Northern Heritage Centre. The project will allow elders an opportunity to study and record their knowledge of the items, including clothing, pipes, and tools.

Penobscot Indian Nation of Maine

Not all knowledge is created equal for the Penobscot Indian Nation, situated on Indian Island, Maine. Knowledge and information related to ancestral sites, sacred places, and places of cultural significance hold a special status within the Penobscot community. This culturally sensitive information has been impacted by even the most well-meaning archaeologists, planners, and government agencies working with the Nation. Dr. Martin Wobst and Julie Woods of the University of Massachusetts will collaborate with Tribal Historic Preservation Officer Bonnie Newsom and the Nation to identify issues it faces regarding intellectual property associated with the cultural landscape of the tribe. Results will include strategies for negotiations of agreements and protocols, cultural sensitivity workshops for non-tribal members, and a long-range stewardship and management plan for Penobscot cultural information.

Saginaw Chippewa Indian Tribe of Michigan

For the Saginaw Chippewa Indian Tribe of Michigan, *ezhibiigaadek asin* is a sacred place. Teachings from their Anishinabe ancestors are embedded in this rock art site that holds over 100 petroglyphs. Anishinabe cultural knowledge relates the importance of sharing aspects of these teachings, yet concerns have arisen over what the Saginaw Chippewa consider to be inappropriate uses of the teachings, particularly in relation to commercialization of the images written on the stone. There is also concern that some of the petroglyphs are fading, and others have been vandalized. Dr. Sonya Atalay, who is Anishinabe-Ojibwe and an assistant professor at Indiana University, will collaborate with the Saginaw Chippewa's Ziibiwing Cultural Society to explore these issues, with the goal of creating a plan to protect and control the use of the *ezhibiigaadek asin* site.

Moriori of Rekohu

Moriori, the Indigenous people of Rekohu (Chatham Islands, New Zealand) have developed a multi-layer database to tie together research on Moriori identity, cultural heritage protection, land use, and resource management in culturally sensitive ways. The Project, which will also be used to promote economic sustainability and inform land use decisions, is a response to making heritage and IP protection relevant, respectful and ethical for Moriori. Its vital element is the Indigenous structure, grounded in elder knowledge, that ensures the research methodology, ownership and uses are controlled and cared for by Moriori.

Moriori database team with student trainees at Te Whaanga lagoon.

Meet our IPinCH Research Team:

Merle Alexander (Vancouver, Canada) is a member of the Tsimshian Nation and an Aboriginal law practitioner with Boughton Law Corp. specializing in sustainable development law. He is a legal expert (domestic and international) on mechanisms for the protection of Aboriginal knowledge.

Jane Anderson (New York, NY, USA) is a Research Fellow at the Institute for Law and Society (New York U.) and an expert consultant to the World Intellectual Property Organization on practical guidelines for Indigenous and local communities who are developing IP protocols.

Michael Asch (Victoria, Canada) is Professor of Anthropology at U. Victoria with research interests that include colonialism, self-determination, settler political ideology, and treaty relations.

Sonya Atalay (Bloomington, IN, USA) is Anishinabe-Ojibwe from Michigan and an archaeologist at Indiana U. working with Anishinabe communities in the Great Lakes region.

Kelly Bannister (Victoria, Canada) is Director of the POLIS Project on Ecological Governance (U. Victoria) and an ethnobotanist specializing in applied ethics and IP issues in research involving Indigenous cultural knowledge.

Catherine Bell (Edmonton, Canada) is a Professor of Law at U. Alberta specializing in Aboriginal legal issues, dispute resolution, property law, cultural heritage law, and interdisciplinary community-based legal research.

Jody Beaumont (Dawson City, Canada) is Heritage Director with the Tr'ondek Hwech'in Nation where she works in the fields of archaeology and IP issues pertaining to traditional territory.

Susan Bruning (Texas, USA) is an attorney, a doctoral student in anthropology at Southern Methodist U. (SMU), and an adjunct Law Professor at SMU and Texas Wesleyan U., specializing in art, cultural heritage, and IP laws and their applications for Indigenous groups, anthropologists, museums, and other communities.

Rosemary Coombe (Toronto, Canada) is a Full Professor and the Canada Research Chair in Law, Communication and Culture at York U. She is trained in law and anthropology.

Graham Dutfield (Leeds, UK) is Professor of International Governance at U. Leeds working on IP, genetic resources, traditional knowledge and the life science industries.

T. J. Ferguson (Tuscon, AZ, USA) owns the company Anthropological Research LLC, and is Professor of Practice at U. Arizona specializing in research for historic preservation, repatriation, and litigation of resource rights.

Susan Forbes (Wellington, NZ) is Director of Kotuku Consultancy Ltd, specializing in heritage research in Aotearoa particularly Rekohu/ Chatham Islands with a focus on advocacy and education for promotion of kaitiaki based heritage protection and management structures.

Violet Ford (Ottawa, Canada) is Executive Council Member and Vice President of International Affairs with the Inuit Circumpolar Council where she represents Inuit interests in the protection of traditional knowledge at international fora.

Daniel Gendron (Westmount, Canada) is Director of Avataq Cultural Institute's Archaeology Department and an archaeologist who has worked with the Nunavik Inuit for 20 years.

Alan Goodman (Amherst, MA, USA) is a biological anthropologist at Hampshire College, where he is a professor, Vice President for Academic Affairs and Dean of Faculty. He is the immediate past president of the American Anthropological Association.

Sheila Greer (Edmonton, Canada) is a self-employed anthropologist and research associate (U. Alberta). Her specialty is land-based heritage and she works for/with Champagne and Aishihik and other self-governing Yukon First Nations.

Susan Haslip (Ottawa, Canada) is Professor in the Law Clerk Program at Algonquin College and a doctoral student (U. Ottawa) focusing on the intersection of Canada's Trade-marks Act with Indigenous identities.

Robert Hershey (Tuscon, AZ, USA) is an attorney specializing in Indigenous human rights, an Adjunct Professor of Law (jointly appointed to American Indian Studies) at U. Arizona, and Director of the Tribal Law Clinic.

Julie Hollowell (Greencastle, IN, USA) is a cultural anthropologist specializing in research ethics, a Visiting Scholar at the Janet Prindle Institute for Ethics (DePauw U), and co-chair of the Committee on Ethics at the World Archaeological Congress.

Terri Janke (Sydney, Australia) is an Indigenous lawyer and solicitor, and director of Terri Janke & Company, a private law firm specializing in Indigenous cultural and intellectual property. She is a council member of the Australian Institute of Aboriginal and Torres Strait Islander Studies.

Vivien Johnson (Sydney, Australia) is New South Global Professor at U. New South Wales conducting inclusive and culturally sensitive research into Indigenous art. She is Editor-in-Chief of *Dictionary of Australian Artists Online*.

Eric Kansa (Berkeley, CA, USA) is Executive Director of the Information and Service Design Program at UC Berkeley School of Information, Executive Director of the Alexandria Archive Institute and a specialist in digital open access for cultural heritage research data and related IP implications.

Ingrid Kritsch (Yellowknife, Canada) is a cultural anthropologist, archaeologist and the founding Executive Director and Research Director of the Gwich'in Social and Cultural Institute where she is responsible for heritage research and policy in the Gwich'in Settlement Region.

Lyn Leader-Elliott (Adelaide, Australia) is a senior lecturer in Cultural Tourism at Flinders U. whose interests are in the intersections between cultural heritage, tourism and communities, especially on ways that communities can be actively engaged in planning and decision making.

Ian Lilley (Brisbane, Australia) is Professor of Aboriginal and Torres Strait Islanders Studies at U. Queensland working in Australasian and Indo-Pacific archaeology and cultural heritage management. He is Secretary of the ICOMOS Committee for Anthropological Heritage Management.

Dorothy Lippert (Washington, DC, USA) is Choctaw and works in the Repatriation Office of the Smithsonian National Museum of Natural History.

Stephen Loring (Washington, DC, USA) is a museum anthropologist and archaeologist with the Arctic Studies Center of the Smithsonian Institution's National Museum of Natural History. He helps curate and facilitate access to the Museum's collections involving Indigenous peoples.

Randall McGuire (Binghamton, NY, USA) is Professor of Anthropology at Binghamton U. interested in the development of power relations around Yaqui

At the Working Group Co-chair, Steering Committee and Advisors Meeting, January, 2009, at Simon Fraser University (in the snow).

Indian remains in northern Mexico.

Lynn Meskell (Stanford, CA, USA) is Professor of Anthropology at Stanford U. and Editor of *J of Social Archaeology*. She is researching the constructs of natural and cultural heritage in Kruger National Park.

Jim Molnar (Gatineau, Canada) is a Research Manager in the Historical Services Branch of Parks Canada. His work includes national commemorations of people, places and events related to archaeology and Aboriginal history. Much of his work focuses on rock art and cultural landscapes.

Lena Mortensen (Toronto, Canada) is an anthropologist at U. Toronto with research interests in the cultural, economic, and ethical implications of tourism development in diverse communities.

George Mukuka (South Africa).

Murielle Nagy (Quebec City, Canada) is a consultant in anthropology and archaeology, the Director and Editor of *Études/Inuit/Studies,* and a research associate with the CIÉRA of Université Laval.

Brian Noble (Halifax, Canada) is a Professor at Dalhousie U. conducting anthropological research on reconciliation of relations of Indigenous peoples in encounters with institutional practices of expertise, law, and politics, in settler state and internationalist conditions.

Sven Ouzman (Pretoria, South Africa) is a Senior Lecturer in Archaeology at U. Pretoria whose research interests include the study of diverse rock art traditions, graffiti, the importance of the non-visual, and the use and abuse of archaeology in contemporary society.

Daryl Pullman (St. John's, Canada) is an ethicist at Memorial U. with broad experience in commercial genetics, pharmaceutical marketing practices and bioethical decision-making, and is an ethics advisor to the Genetics Institute of the Canadian Institutes of Health Research.

Lester-Irabinna Rigney (Adelaide, Australia) is Director of the Yunggorendi First Nations Centre for Higher Education and Research (Flinders U.) He is a Professor of Education and an influential Australian Indigenous educationalist.

Susan Rowley (Vancouver, Canada) is Curator of Public Archaeology at the UBC Museum of Anthropology and leader of the Reciprocal Research Network that promotes culturally appropriate data-sharing and collaborative research among BC First Nations, researchers and museums.

Claire Smith (Adelaide, Australia) is President of the World Archaeological Congress and Associate Professor in Archaeology at Flinders U. conducting fieldwork with Aboriginal people in the Barunga region and Ngadjuri people of South Australia.

Maui Solomon (Wellington, New Zealand), of Maori and Moriori descent, is current President of the International Society of Ethnobiology and Barrister with Kawatea Chambers specializing in cultural and intellectual property, land and fishing claims, environmental law and Treaty issues.

Silke von Lewinski (Munich, Germany) is Adjunct Professor at the Max Planck Institute for Intellectual Property, Competition and Tax Law where she heads the unit on international law and special issues of developing countries.

Joe Watkins (Norman, OK, USA) is Director of Native American Studies at U. Oklahoma and Adjunct Professor of Anthropology with research interests in the ethics of anthropology. He is a member of the Choctaw Nation of Oklahoma.

John Welch (Vancouver, Canada) is an anthropologist and social archaeologist at SFU who works with Native American communities in cultural heritage stewardship.

Michael Williams (Brisbane, Australia) is Director of the Aboriginal and Torres Strait Islander Studies Unit at U. Queensland, and a member of the Gooreng Gooreng Aboriginal community, with interests in IPR concerning Indigenous knowledge.

Barbara Winter (Vancouver, Canada) is Museum Curator for SFU, with particular interests in museology, ethnology, heritage legislation and curatorial issues in archaeological and ethnological collections.

H. Martin Wobst (Amherst, MA, USA) is Professor of Anthropology at U. Massachusetts researching theoretical implications of methods in archaeology, oral history, and Indigenous IPR.

Alison Wylie (Seattle, WA, USA) is a philosopher of science at U. Washington working on the philosophical, ethical, and political implications of archaeological and community-based research.

Eldon Yellowhorn (Vancouver, Canada) is Director of First Nations Studies at SFU, and Associate Professor in Archaeology, involved in Indigenous archaeology, and interactions between Indigenous people and archaeology.

Dongya Yang (Vancouver, Canada) is Associate Professor in Archaeology at SFU focusing on archaeology-oriented ancient DNA studies.

James Young (Victoria, Canada) is Professor of Philosophy at UVic specializing in philosophy of language and art, particularly art as a source of knowledge and the consequent aesthetic and moral issues raised by cultural appropriation.

Larry Zimmerman (Indianapolis, IN, USA) is Professor of Anthropology and Museum Studies and Public Scholar of Native American Representation at Indiana U./Purdue U. Indianapolis and the Eiteljorg Museum. He studies research relations and epistemology in North American archaeology, and is involved in collaborative research with tribes, government, and other stakeholders.

Discussions on case study research at a workshop held at the Janet Prindle Institute for Ethics, DePauw U., Indiana, in April 2009.

IPinCH Working Groups

Interdisciplinary Working Groups have been formed around project themes to discuss, debate, and deliberate theoretical, practical, ethical, and policy implications of IP issues in cultural heritage. These analyses and discussions will draw from the IPinCH Knowledge Base and Case Study Research results to address our research questions and explore broad links between IP and cultural rights on a range of topics from legal and customary frameworks, to applied ethics, to open access.

Commodifications of the Past?

Co-chairs: Sven Ouzman & Jane Anderson

GOALS: To engage with issues related to commodifying representations and fragments of the past. The "fee" for joining this working group is contributing a good, bad, or provocative story of commodification.

IP and Research Ethics

Co-chairs: Alison Wylie & Sonya Atalay

GOALS: To build a resource set for those grappling with intellectual property and ethics issues in archaeological practice, focusing on the special demands and rewards of collaborative research, with the aim of providing guidance for emerging ethics dilemmas and playing an informative role in future archaeological research. The "fee" for joining this working group is to identify at least one principle, code of conduct, Memorandum of Agreement, protocol, or concept that you find useful, problematic, or in need of analysis.

Sourcebook and Community Toolkit Relating to Culturally Important IP

Co-chairs: Susan Bruning & John Welch

GOALS: To connect community needs and interests with information and tools needed to build understanding about the scope and limitations of intellectual property laws; protect intellectual property in cultural heritage; and promote fair and culturally appropriate uses of intellectual property. The work will include production of a Sourcebook and Community Toolkit for descendant communities and others.

Bioarchaeology, Genetics and IP
Co-chairs: Alan Goodman & Daryl Pullman

GOALS: To explore issues that arise at the interface between genetics and culture, including how genetics and biological data are sometimes used to claim cultural relationships and affiliations, or alternatively, to dispute the legitimacy of cultural claims and affiliations.

Intellectual Property Issues in Cultural Heritage Project

Working Group discussions at a meeting of Working Group Co-chairs, Steering Committee Members and Advisors held at Simon Fraser University, near Vancouver, Canada, in January 2009.

Open Access, Info Systems and Cultural Heritage

Co-chairs: Sue Rowley & Eric Kansa

GOALS: To explore the scholarly and legal debate on the merits of open access to knowledge versus the need to protect research results, as well as concerns raised by Indigenous and other descendant communities seeking protection of their traditional knowledge. This group will also examine how new technologies and information systems may either challenge or assist in the ethical exchange of information among stakeholders.

Collaboration, Relationship, & Case Studies

Co-Chairs: Brian Noble & Larry Zimmerman

GOALS: To facilitate reflective, critical, and helpful interchange on collaborations, relationships and case study practices as they unfold in IPinCH. The principle we promote is to continually better these practices. Responsive to the range of political and knowledge conditions encountered, the group will assist in generating both shared and independent spaces of interchange among those who undertake IPinCH community-based studies, those who are seeking ways to protect and engage their peoples in IP or cultural heritage-related actions, and those who wish both to understand and produce just and effective change.

Cultural Tourism

Co-chairs: Lyn Leader-Elliott & Lena Mortensen

GOALS: To explore the range of IP issues emerging in cultural and heritage tourism (e.g., cultural appropriateness, cultural representation), and to expand resources for those developing sustainable, community-based tourism, including helping to develop a model for collaborative cultural heritage projects with Indigenous communities.

Customary, Conventional and Vernacular Legal Forms

Co-chairs: Rosemary Coombe & Graham Dutfield

GOALS: To examine the pluralism of law relating to the protection of cultural heritage and foster awareness of the global political and legal landscape in which conventional forms of IP protection intersect with human and Indigenous rights protections, customary law, informal and vernacular IP forms and moral economies of practice pertaining to cultural heritage goods.

Co-chair Eric Kansa and student Gregory Carr at the Working Group Co-chair, Steering Committee & Advisors Meeting.

IPinCH Partners: Local, national and global

Alexandria Archive Institute (San Francisco, CA) is a non-profit consulting organization that envisions an open, Internet-based knowledge commons of world cultural heritage and is working to provide innovative digital services for sharing research. www.alexandriaarchive.org

Anthropological Research, LLC (Tuscon, AZ) is a small research company that conducts archaeological and ethnographic research needed for heritage preservation, repatriation, and land and water rights litigation. Clients include Indian tribes, governmental agencies, and museums.

Arctic Studies Center, Smithsonian Institution (Washington, DC) promotes participation of Northern Aboriginal peoples in research relating to northern peoples, cultures, and environments, focusing on museum collection accessibility, preservation of cultural heritage, and other collaborations with communities and scholars. www.mnh.si.edu/arctic

Avataq Cultural Institute (Westmount, QC) is a non-profit organization dedicated to protecting and promoting the language and culture of Inuit in Nunavik (Northern Quebec) since 1980. Its work includes a genealogy program, a Nunavik museums program, and an archaeology department. www.avataq.qc.ca

Barunga Community Board of Management (Northern Territory, Australia) consists of traditional owners and custodians of the Barunga community, located in the Northern Territory, Australia. Barunga is part of the Nyirranggulung Mardrulk Ngadberre Regional council, responsible for general administration, including the up-keep of public areas and community service provision.

Canadian Archaeological Association (Canada) promotes the increase and dissemination of archaeological knowledge in Canada, in part, by fostering cooperation with Aboriginal groups and agencies in Canada. www.canadianarchaeology.com

Champagne and Aishihik First Nation (Haines Junction, YT), is a self-governing Canadian Indigenous government with traditional territory covering 41,000 square kilometers in the Yukon and British Columbia. It believes all research related to cultural heritage must strengthen its culture and benefit its people. www.cafn.ca

Gwich'in Social and Cultural Institute (Yellowknife, NT)has a mandate to document, preserve and promote the practice of Gwich'in culture, language, traditional knowledge and values. Activities include research, development of traditional knowledge and burial site policies and input into heritage policy and legislation in the Northwest Territories and Yukon. www.gwichin.ca

International Journal of Cultural Property (West Nyack, NY) strives to develop new ways of dealing with cultural property debates, to be a venue for the proposal or enumeration of pragmatic policy suggestions, and to be accessible to a wide audience of professionals, academics, and lay readers. www.journals.cambridge.org/action/displayJournal?jid=JCP

Inuit Heritage Trust (Iqaluit, NU) is dedicated to the preservation, enrichment and protection of Inuit cultural heritage and identity embodied in Nunavut's archaeology sites, ethnographic resources and traditional place names. www.ihti.ca

Left Coast Press (Walnut Creek, CA) is a publisher of professional and scholarly materials in archaeology, anthropology, indigenous studies and related fields and possesses a strong interest in cultural heritage issues. www.lcoastpress.com

Mookakin Cultural and Heritage Foundation (Standoff, AB) was established in 1998 to promote and preserve the spiritual doctrines, observances, language and history of the Blood/Kainaiwa Nation, including the repatriation of objects and articles that facilitate spiritual doctrines and observances.

National Association of Tribal Historic Preservation Officers (Washington, DC) is the national non-profit membership organization of Tribal government officials. Its overarching purpose is to support the preservation, maintenance and revitalization of the culture and traditions of Native peoples of the United States. www.nathpo.org

Parks Canada (Ottawa, ON) is custodian of Canada's national parks, historic sites and marine conservation areas. The federal agency strives to enable Canadians to have memorable experiences, while protecting the natural and cultural heritage of the places in its care. www.pc.gc.ca

Prince of Wales Northern Heritage Centre (Yellowknife, NT) is a Division within the Department of Education, Culture and Employment of the Government of the Northwest Territories and has the mandate to preserve, promote, and enhance the arts and the cultural heritage of the Northwest Territories. It licenses and ensures compliance for archaeological site protection. http://pwnhc.learnnet.nt.ca

Sealaska Heritage Institute (Juneau, AK) is a regional Native nonprofit organization founded for the perpetuation and enhancement of the cultures of the Tlingit, Haida and Tsimshian peoples of Southeast Alaska. Its work includes cultural education, Native language revitalization programs and the repatriation of Native cultural property. www.sealaskaheritage.org

Social Science Research Council (New York, NY)is an independent non-profit research administration organization devoted to strengthening interdisciplinary and international social science collaboration on a range of public and scholarly concerns. www.ssrc.org

Society for Applied Anthropology, Intellectual Property Rights Interest Group (Columbia, SC) works to publicize and disseminate information regarding current topics and issues in the field of intellectual property rights for Indigenous peoples. www.sfaa.net

Springer Sciences + Business Media, LLC (New York, NY) is one of the largest publishers in the science, technology, and medicine (STM) sector and publishes over 1,700 journals and over 5,500 new books a year, as well as the largest STM eBook Collection worldwide. www.springer.com

Stó:lō Research and Resource Management Centre (Chilliwack, BC) provides professional service in the fields of natural and cultural resource management, research, facilitation and collections management. An understanding of, and respect for, Stó:lō protocols forms the basis of its work. www.srrmcentre.com

Tr'ondek Hwech'in Heritage Department (Dawson City, YT) is responsible for providing programs and services for this self-governing First Nation that are aimed at enhancing and protecting the Tr'ondek Hwech'in

heritage including heritage site and traditional knowledge management. www.trondek.com/home/departments/heritage

White Mountain Apache Tribe (Whiteriver, AZ) is the largest of the federally recognized Apache tribes. The majority of the Tribe's approximately 15,000 members reside on the spectacular, 1.67 million acre Fort Apache Indian Reservation in Arizona. www.wmat.nsn.us

World Archaeological Congress (Adelaide, Australia) is a global non-governmental and non-profit organization committed to the scientific investigation of the past, ethical archaeological practice and the protection of cultural heritage worldwide. www.worldarchaeologicalcongress.org

World Intellectual Property Organization (Geneva, Switzerland) is a United Nations agency dedicated to developing a balanced and accessible international intellectual property system, which rewards creativity, stimulates innovation, and contributes to economic development while safeguarding the public interest. www.wipo.int

Ziibiwing Center of Anishinabe Culture & Lifeways (Saginaw Chippewa, MI) is a cultural center and museum operated by the Saginaw Chippewa Indian Tribe of Michigan that embodies the tribe's vision to maintain a facility that presents and protects its historical and cultural heritage. www.sagchip.org/ziibiwing

IPinCH Gatherings: Vision, collaboration & action

Co-chair Meeting. On January 9–11, 2009, the IPinCH Working Group Co-Chairs, Steering Committee and Advisors convened at Simon Fraser University in Burnaby, BC, Canada to kick off our exciting, seven-year, international research project.

David Schaepe, archaeologist and co-manager of Stó:lō Research and Resource Management Centre (a partnering organization based in Chilliwack, BC) opened the 3-day meeting with a fascinating introduction to the Stó:lō Nation's work in resource and heritage management on their traditional territory. Dave's presentation affirmed the relevance and timeliness of the IPinCH Project to the Stó:lō Nation and grounded many of the concepts participants discussed during our meeting.

Meeting participants engaged in lively dialogue around the three key elements of the research project and their integration: Case Studies, Working Groups, and the Knowledge Base. Additionally, participants hashed out the importance, objectives and thematic areas of the IPinCH project along with project management, funding and logistics.

Participants were enthused by brief overviews of the first round of Case Studies and a great deal of interest was expressed in how Case Studies and Working Groups can inform and support one another.

Much of the meeting was spent discussing the purpose, organization, and vision for the eight Working Groups. Possible activities suggested for the Working Groups included conference organization and participation, literature reviews, article writing, gathering of relevant resources, etc.

Participants left the meeting feeling much more informed about, and connected to the project and to each another. The energy and enthusiasm generated and exchanged at the meeting will certainly carry the Steering Committee and Working Group Co-Chairs forward in their work.

Prindle Workshop. Attending a meeting at the beautiful Janet Prindle Institute for Ethics at DePauw University in Greencastle, Indiana from April 19–21 were Case Study Research Working Group co-chairs Brian Noble and Larry Zimmerman; along with IPinCH team members Jane Anderson, Cathy Bell, Julie Hollowell (workshop organizer), Stephen Loring, George Nicholas, Claire Smith, and Martin Wobst; Bonnie Newsom and Julie Woods, who are working with the community-based study initiated with the Penobscot Nation; and IPinCH Advisory Board members Anne Pyburn and Rick Wilk. The discussions focused on how to foster good, ethical processes and practices in community-based research relationships, given the very real (and sometimes frustrating) bureaucratic constraints of institutional and academic cultures. It was particularly useful to hear of the Penobscot team's experiences in getting their study underway. We all came away from the workshop with a greater sensitivity as to how our best intentions might be perceived by community collaborators and a better sense of how to make the process less burdensome, particularly by (a) working closely with applicants so they know what to expect and how to navigate the process, and (b) educating institutions and funders about the specific, ongoing needs of projects that are truly collaborative, reflective, and participatory. To that end, we are exploring how to best put together a guidebook with information helpful to those participating in the project's community-based studies.

The workshop ended with a half-day public symposium on "Ethics and Community-Based Fieldwork: Sharing Lessons Learned and Good Practices," which featured presentations by DePauw faculty, staff, and students, as well as by Cathy, Stephen, and Jane. We thank the Prindle Institute and the Nancy Schaenen Visiting Scholar Fund for their generous co-sponsorship of the workshop. Plans are to meet again in 2010, in a non-academic setting, ideally as guests of one of our community partners.

About IPinCH

An international collaboration on cultural heritage that transverses diverse disciplines, sectors, communities and cultures.

WHO

The Intellectual Property Issues in Cultural Heritage (IPinCH) project is a seven-year collaboration between more than 50 international scholars and 25 partners. It was developed by George Nicholas (SFU), Julie Hollowell (Indiana U.) and Kelly Bannister (U. Victoria).

Led by project director George Nicholas and a Steering Committee of Indigenous and non-Indigenous researchers experienced in collaborative research, IPinCH brings together international anthropologists, archaeologists, lawyers, experts in intellectual property and ethics, and stakeholder groups across diverse disciplines, sectors, communities and cultures in an unprecedented way.

WHY

As Indigenous communities and others work to protect their cultural heritage, issues are increasingly emerging over how culture, rights, and knowledge are interpreted. IPinCH is an investigation into these issues. Rather than attempt to generalize varied Indigenous perspectives on cultural heritage and knowledge, research and analyses aim to identify common issues and themes. Our collective work will unearth broad implications and important lessons on fair and appropriate use of knowledge.

Previous studies have addressed issues such as repatriation of cultural objects. However, deeper understandings are needed on how traditional and cultural knowledge are valued, transmitted, regulated, and protected by various societies, and how their use—and misuse—by others impacts cultural heritage. How archaeologists and others respond to these issues has the potential to positively impact, rather than constrain, future research.

WHAT

The project will contribute knowledge, document issues, and explore best practices through three complementary applications. **Working Groups** will discuss research questions, integrate knowledge and findings, and study and publish on theoretical implications. An online **Knowledge Base** will collect relevant publications and documents, and make them available to researchers, Indigenous communities, and other stakeholders. Up to twenty collaborative **Community-Based Initiatives** funded as case study research are exploring specific issues in cultural heritage, contributing valuable lessons and examples for other researchers and communities.

HOW

IPinCH is funded in large part by a $2.5 million award from the Major Collaborative Research Initiative (MCRI) program of Canada's Social Sciences and Humanities Research Council (SSHRC). Other funding comes from research grants and in-kind contributions from partner organizations, including Simon Fraser University. Close to one-quarter of the IPinCH budget supports training students, through research assistantships and fellowships.

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